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7 **BEFORE THE**
8 **BOARD OF REGISTERED NURSING**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:

Case No. *2012-21*

12 **KATRINA M. FLINT**
4839 Full Moon Drive
El Sobrante, CA 94803

STATEMENT OF ISSUES

13 Applicant.
14

15 Complainant alleges:

16 **PARTIES**

17 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in
18 her official capacity as the Executive Officer of the Board of Registered Nursing, Department of
19 Consumer Affairs.

20 2. On or about October 12, 2010, the Board of Registered Nursing, Department of
21 Consumer Affairs received an application for a Registered Nurse License from Katrina M. Flint
22 (Applicant). On or about October 8, 2010, Katrina M. Flint certified under penalty of perjury to
23 the truthfulness of all statements, answers, and representations in the application. The Board
24 denied the application on January 18, 2011.

25 **JURISDICTION**

26 3. This Statement of Issues is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

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1 "(c) A board may deny a license regulated by this code on the ground that the applicant
2 knowingly made a false statement of fact required to be revealed in the application for the
3 license."

4 6. Section 2761 of the Business and Professions Code, in pertinent part, states:

5 "The board may take disciplinary action against a certified or licensed nurse or deny an
6 application for a certificate or license for any of the following:

7 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

8 . . .

9 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
10 functions, and duties of a registered nurse, in which event the record of the conviction shall be
11 conclusive evidence thereof.

12 . . .

13 7. Section 2762 of the Business and Professions Code, in pertinent part, states:

14 "In addition to other acts constituting unprofessional conduct within the meaning of this
15 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
16 chapter to do any of the following:

17 . . .

18 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
19 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
20 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
21 himself or herself, any other person, or the public or to the extent that such use impairs his or her
22 ability to conduct with safety to the public the practice authorized by his or her license.

23 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
24 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
25 or the possession of, or falsification of a record pertaining to, the substances described in
26 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
27 thereof.

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1 8. California Code of Regulations, title 16, section 1444 provides that a conviction or
2 act shall be considered to be substantially related to the qualifications, functions or duties of a
3 registered nurse if to a substantial degree it evidences the present or potential unfitness of a
4 registered nurse to practice in a manner consistent with the public health, safety, or welfare.

5 FIRST CAUSE FOR DENIAL OF APPLICATION

6 (Conviction of a Crime)

7 9. Applicant's application is subject to denial under Business and Professions Code
8 sections 480(a)(1) and 2761(f) in that she was convicted of a crime or act that is substantially
9 related to the qualifications, functions, or and duties of a registered nurse. The circumstances are
10 as follows:

11 a. On or about September 16, 2010, in a criminal proceeding entitled People of the
12 State of California v. Katrina Flint in San Diego County Superior Court, Case No. M115610, the
13 applicant was convicted by her plea of guilty for violating Vehicle Code section 23152(b)
14 (driving while a 0.08% or higher blood alcohol content), a misdemeanor.

15 b. The circumstances surrounding this conviction are that on or about August 1,
16 2010, at 0242 hours, officers from the University of California San Diego Police Department
17 were monitoring the San Diego Police Department's central dispatch for a DUI roving patrol. San
18 Diego Police central dispatch requested a unit to respond to a possible DUI driver trying to leave
19 the Omni Hotel. A University of California San Diego Police unit responded to this call only
20 because there were no available San Diego Police patrol units available to respond.

21 When the University of California San Diego Police patrol unit arrived on the
22 scene they observed the right side of a yellow Mercury taxi-cab was pressed up against the left
23 side of a white Volvo which had collided with a palm tree. The officer on the scene contacted the
24 taxi driver and passengers and asked if they were injured and required medical attention. The taxi
25 driver and passengers said they were not injured. Then the officer contacted the applicant who
26 was the driver of the other vehicle. The officer noticed the strong odor of an alcoholic beverage
27 coming from inside the vehicle. The officer noticed that the applicant's speech was slurred and

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1 that she had glassy, red, watery eyes and a flush face. The officer observed two male passengers
2 in the back of the vehicle that appeared to be extremely intoxicated. The officer asked applicant
3 and her passengers if they were injured and required medical attention. Each of them responded
4 that they were not injured. Thereafter, the officer administered Standardized Field Sobriety Tests
5 (SFST) to the applicant which she failed to perform satisfactory. The applicant admitted to the
6 officer that she had consumed alcoholic beverages. The officer asked the applicant if she would
7 be willing to provide him with two breath samples using a Preliminary Alcohol Screening (PAS)
8 device. The applicant agreed to provide the breath samples. The applicant's first breath sample
9 was at 0319 hours with a result of .179% Blood Alcohol Content (BAC). Her second breath
10 sample was at 0322 hours with a result of .170% BAC. Based on the officer's evaluation of the
11 applicant's performance on the SFSTs, the officer placed the applicant under arrest for violating
12 Vehicle Code section 23152(a) (driving under the influence). After arrest, the applicant took a
13 chemical breath test that reported a BAC of .16%

14 c. On or about September 16, 2010, the applicant was sentenced to 5 days in the
15 County's Public Service Program, placed on summary probation for 5 years, ordered to pay fines
16 and fees in the amount of \$2,155.00, and ordered to enroll and complete a 3 month First
17 Conviction Program. The applicant was ordered to attend and provide proof of attendance of a
18 Mother's Against Drunk Driving (MADD) victim impact panel presentation.

19 SECOND CAUSE FOR DENIAL OF APPLICATION

20 (Unprofessional Conduct – If Act Committed by Licentiate)

21 10. Applicant's application is subject to denial under section 480(a)(3) of the Business
22 and Professions Code in that she committed acts which if done by a licentiate of the business or
23 profession in question, would be grounds for suspension or revocation of license. The
24 circumstances are as follows:

25 a. As set forth in paragraph 9 above, the applicant would be subject to disciplinary
26 action under Business and Professions Code section 2761(a) on the grounds of unprofessional
27 conduct, as defined by Business and Professions Code section 2762(b), in that on or about August
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1 1, 2010, she used alcoholic beverages to an extent or in a manner dangerous or injurious to herself
2 or others.

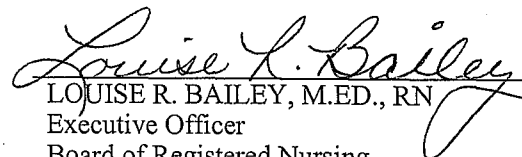
3 b. As set forth in paragraph 9 above, the applicant would be subject to disciplinary
4 action under Business and Professions Code section 2761(a) on the grounds of unprofessional
5 conduct, as defined by Business and Professions Code section 2762(c), in that on or about
6 September 16, 2010, she was convicted of a crime involving the consumption of alcoholic
7 beverages.

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Denying the application of Katrina Flint for a Registered Nurse License;
12 2. Taking such other and further action as deemed necessary and proper.

13 DATED: 7-12-11

14 
15 LOUISE R. BAILEY, M.ED., RN
16 Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California
20 Complainant

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